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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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WPAT, PC				
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EXAMINER				
DINH, TAN X				
ART UNIT		PAPER NUMBER		
2627				
MAIL DATE		DELIVERY MODE		
05/07/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/539,972

**Applicant(s)**

LOTZ ET AL.

**Examiner**

TAN X. DINH

**Art Unit**

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 April 2010.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-4, 7 and 8 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 12 April 2010 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/22)  
4) ☐ Interview Summary (PTO-413)  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_  
Paper No(s)/Mail Date \_\_\_\_\_

1) The amendment/preliminary amendment filed 4/12/2010 is acknowledged. Claims 5 and 6 have been canceled. New claims 7 and 8 are currently added.

2) The drawings were received on 4/12/2010. These drawings are acceptable.

3) After further review instant application, the indicated allowability of claims 1-5 is withdrawn. The new ground of the rejections is as followed.

3) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

4) (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5) Claims 1-4, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by OKUDA et al ( 6,789,095 ).

OKUDA et al discloses a module for reading data from a data carrier with a processor arrangement and a memory arrangement, as claimed in claim 1, comprising:

the data carrier comprises data sequences and information on the data sequences, and the data sequences are stored in a directory structure with a root directory and at least one subdirectory ( Fig.3, root directory ROOT and subdirectory POP, CLASSIC ), and

when reading data from the data carrier, the processor arrangement is writes the information about a first subset of the data sequences present in the root directory into a first directory of the memory arrangement, and writes the information about at least a second subset of the data sequences present in a subdirectory of the data carrier into a second directory of the memory arrangement ( Fig.3, the first subsets USJPOPS is written into first directory POP, the second subsets MAL\_KURAKI is written into second directory JPOP SELECTION. See also column 5, line 53 to column 6, line 47 ).

As to claim 2, OKUDA et al shows the directories in the memory arrangement are arranged at not more than one hierarchical level ( see figures 3, 4 and 5 ).

As to claim 3, OKUDA et al shows the data sequences of the first subset are audio data sequences with uncompressed audio contents, and the data sequences of the second subset are audio data sequences with compressed audio contents ( Fig.1, the optical disc is CD-ROM or CD ).

As to claim 4, OKUDA et al shows the processor arrangement is designed for receiving commands demanding the information on the data sequences stored in the memory arrangement and for making information available ( Fig.2, DSP 15 and MANAGEMENT DATA 16 ).

As to claims 7 and 8, OKUDA et al shows the module is designed for incorporation in a car radio ( figure 2 shows the structure of

car CD/CD-ROM player ).

6) Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

7) Any inquiry concerning this communication or earlier communications from the examiner should be directed to **TAN XUAN DINH** whose telephone number is **571-272-7586**. The examiner can normally be reached on **MONDAY to FRIDAY from 9:30AM to 4:30PM**.

The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the **Patent Application Information Retrieval (PAIR)** system. Status information for published applications may be obtained from either **Private PAIR** or **Public PAIR**. Status information for unpublished applications is available through **Private PAIR** only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal>. Should you have questions on access to the **Private PAIR** system, contact the **Electronic Business Center (EBC)** at **866-217-9197** (toll-free).

/TAN Xuan DINH/  
Primary Examiner, Art Unit 2627  
May 5, 2010